



**Quarterly Report
October - December 2001
Georgia Rule of Law
USAID Contract No. 114-C-00-01-00136-00
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Overview

During this quarter IRIS Georgia completed preparation of its first year work plan under the contract, conducted the baseline survey, entered into grant agreements with its principal partners, and continued its activities with a number of legislative initiatives relating to administrative law. IRIS also began to develop strategies and procedures for working with other USAID partners and the Mission in those areas where cooperation is critical for mutual project success.

Finalization of the Work Plan

IRIS Georgia completed its first year work plan, and made a public presentation at the Mission in late November. The work plan went through several iterations, and was reviewed extensively by the Democracy and Governance Office, as well as Mission-wide, to provide IRIS with significant guidance in indicating tasks that the contract called for, that were consistent with the current objectives of the Mission, and that provided substantial, realistic targets for implementation. The Tbilisi office developed a power-point presentation of the work plan that it made at the November D&G partners meeting, and which was repeated in Washington in December at USAID headquarters. In December, the work plan was approved by the Mission, pending the completion of the report on the baseline survey.

The survey itself was conducted in October, focusing on five Georgian cities, and asking a range of questions to measure awareness of legal rights, and attitudes towards their observance in Georgia. The data was reviewed and analyzed, in cooperation with the director of the D&G office in Tbilisi, and the final report was being prepared at the end of the quarter. Completion of the survey was the only milestone indicated in the Work Plan for the October-December quarter.

Implementation Activities

While much of the quarter was devoted to finalization of the Work Plan, many different steps were taken to prepare for implementation once final approval was received. Activities included formalizing grant agreements, beginning the planning process for individual activities, initiating coordination meetings, and actively working on legislative and regulatory initiatives.

TASK 1. Public Awareness and TASK 2. Support for Legal Services

IRIS entered into grant agreements with its principal partners for Tasks 1 and 2, the Georgian Young Lawyers Association and Liberty Institute. The agreements were signed at the end of November, and during December both organizations began to recruit personnel, secure office space and equipment, and initiate the planning for the coming year's activities. Discussions were begun with Internews over their agreement, and preliminary negotiations were held with the Georgian NGO "Article 42" about their participation as a provider of legal services in Tbilisi.

Early in the quarter we began holding twice-monthly meetings with representatives of GYLA, Liberty and Internews to coordinate the planning and preparation phases of the project. IRIS discussed the survey results, the location of the Liberty regional coordinators, and some strategies for media presentations. We also continued to emphasize the importance of creating realistic expectations about legal rights in our public information efforts, and providing direction for securing those legal rights to the people we address. These early meetings proved very helpful in identifying potential problems and establishing good working relations among our partners.

As we continued the planning process for tasks 1 and 2 under the Plan, we endeavored to identify and obtain contact information from other USAID partners, donors and NGOs performing similar tasks and at similar locations. As part of this effort we attended an HR Office partners meeting at the Mission to talk about specific areas of cooperation and interest with those organizations. An IRIS Georgia staff member developed a database for this information what has continued to prove helpful for IRIS and our partners.

TASK 3. More Open and Transparent Administrative Processes

While the beginning of many of the specific projects under the Work Plan were still in the planning phases, IRIS continued to work with the USAID Mission to promote awareness among USAID offices and partners of the General Administrative Code and its significance. We attended the partners meetings at USAID for the ER Office as well as HR, to discuss common issues and initiatives. IRIS worked with a number of other USAID partners on administrative law issues, particularly FOI, and provided training and advice to them on these topics. IRIS also organized informal discussions and consultations with representatives of the NGO community, journalists and students groups on FOI and other administrative law issues.

Senior IRIS Georgia staff, along with CTO Gene Gibson from USAID, met with the Minister of Justice, Roland Giligashvili and his deputy, to discuss common areas of interest and cooperation. The new minister was very enthusiastic about IRIS cooperation, and indicated his support for our plans to expand the role of the IRIS office at the Ministry to offer general advice and assistance on the administrative codes to other ministries, not just FOI advice. Of particular additional interest were his comments about setting up a new office for legislative drafting, creating an effective registry for normative acts, and consolidating the passport and citizenship documentation activities within the Ministry, including those functions now carried out by the Ministry of the Interior. IRIS conducted its initial “desk audit” of this function last spring and we indicated our interest in working with the Ministry in setting up this new office if the transfer of authority from the Interior Ministry were achieved.

The Freedom of Information provisions of the General Administrative Code received some renewed attention during December with the reactivation of the FOI Office at the Ministry of Justice and IRIS’ participation in meetings with local governments in Rustavi and Gori on FOI issues. IRIS made arrangements for a new English translation of the FOI Manual to facilitate suggestions by foreign experts for the revision. IRIS also continued its distribution of the General Administrative Code, including the FOI provisions, providing several hundred copies to various groups during the period.

TASK 4. Support for Legislative Drafting

There were several issues that arose during the quarter that highlighted the importance of coordination in the legislative area for USAID partners. IRIS participated in discussions on the draft law on the National Bank of Georgia with USAID Mission staff and another consulting group about bringing the law into conformity with the General Administrative and the Administrative Procedures Codes. The drafting process was well-advanced and IRIS argued for some modifications because of the great disparity the

draft reflected with the administrative law codes. We prepared alternative versions of the selected provisions of the draft law that were to provide a basis for a unified USAID position, but the final enactment failed to reflect the language we had agreed upon.

To a certain extent this exercise was repeated with the draft Licensing Law. IRIS continued participation on revising the draft law on licensing, which it had begun in August, to bring it into conformity with the General Administrative Code. Staff members had numerous meetings with representatives of the Ministry of Justice, World Bank, Parliament, and various NGOs on the licensing issues. Two IRIS lawyers were members of the working group, which was created by Vano Merabishvili, the chairman of the Economic Politics committee of the Parliament to prepare a final draft.

Relatively late in the process, consultants for the USAID Energy office sought exemptions from the law for the two Georgia energy regulatory agencies. IRIS participated in meetings with representatives of different USAID divisions to develop a unified USAID Mission position on provisions of draft law, and IRIS drafted amendments, which were agreed upon and later incorporated in the draft law.

IRIS has participated in committee hearings of draft licensing law and provided consultations about several provisions of draft law. On December 21, 2001 Parliament passed the new licensing law by first hearing and IRIS lawyers participated in meetings to prepare draft law for the second and third hearings.

The other significant legal issue that arose was for IRIS was the presentation by the President of amendments to the law on the Constitutional Court. This was initially on a very fast track, and IRIS obtained translations of the amendments and prepared a summary and memo for Professor Herman Schwartz to obtain his views. In December IRIS received comments from Herman Schwartz, translated it into Georgian and delivered it to the legal committee of the parliament, Parliamentary secretary to the President, and chairman of the Constitutional Court.

TASK 5 Information and Training

IRIS began making arrangements for a Georgian translation of Wolfgang Gaul's book on the Georgian Constitution and constitutional process in 1993-1995. This will provide a valuable resource on the process that led to Georgia's current Constitution.

During IRIS' discussions with other USAID partners about legislation, there were numerous general statements made about how badly the government agencies fared in the Tbilisi appellate courts. This was often given as a justification for creating exemptions from the judicial review procedures of the administrative codes. Because these comments were not consistent with IRIS' understanding of the actual outcome of matters before these courts, we accelerated one part of our court monitoring efforts from the second year of the project to the first year. In addition to putting it in the first year Work Plan, we started preparing an analysis of the docket of the Tbilisi appellate Chamber since the effective date of the Administrative Procedure Code, focusing on the nature and outcome of agency disputes.

Other Activities

The Energy Office at the USAID Mission asked USAID to get involved in a dispute between the Georgia National Energy Regulatory Commission (GNERC) and the Chamber of Control and Ministry of Interior over a regulatory action taken by GNERC. For a number of reasons, the Mission asked IRIS to review the action, the various reports, courts decisions, etc. and advise them about the legitimacy of the oversight by the Chamber of Control and Ministry of Interior. IRIS met with GNERC officials and PA Consulting (the USAID contractor working with GNERC), and reviewed the relevant laws and documents. We prepared a memo for USAID summarizing our conclusions.